

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CAROL COOK, as next of kin to)	
EARL COOK, JR., deceased, et al.)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 5:14-cv-01005-W
)	
FRESENIUS USA, INC., et al.,)	
)	
Defendants.)	

APPLICATION FOR DISMISSAL WITHOUT PREJUDICE

Plaintiffs hereby respectfully request the dismissal of the claims contained in Plaintiffs' Second Amended Petition against Defendant Fresenius Medical Care OKCD, LLC, only, pursuant to LCvR7.1(k), from the above-styled and numbered cause without prejudice. Counsel for Fresenius Medical Care OKCD, LLC has declined Plaintiffs' request for dismissal without prejudice of the claims against Defendant. This cause shall continue as to all remaining Defendants and Counts.

Dated: November 13, 2014

Respectfully submitted,

By: /s/ Christopher J. Bergin

Christopher J. Bergin (Okla. Bar No. 13897)

Tara T. Tabatabaie (Okla. Bar No. 21838)

Matthew J. Sill (Okla. Bar No. 21547)

SILL LAW GROUP, PLLC

14005 N. Eastern Avenue

Edmond, Oklahoma 73013

Telephone: (405) 509-6300

Facsimile: (405) 509-6268

Chris@sill-law.com

Tara@sill-law.com

Matt@sill-law.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that on November 13, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Mary Quinn-Cooper - maryquinn.cooper@mcafeetaft.com

Michael F. Smith - michael.smith@mcafeetaft.com

J. Craig Buchan - craig.buchan@mcafeetaft.com

Timothy L. Martin – tmartin@dlb.net

Cassie J. Mock – cmock@thebarkleylawfirm.com

Thomas H. Hull, Jr. – thull@thebarkleylawfirm.com

Jeffrey L. Wilson – jwilson@thebarkleylawfirm.com

s/Christopher J. Bergin

Christopher J. Bergin